

DAVIS WRIGHT TREMAINE LLP

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Attorneys for Plaintiffs

AMERICAN CIVIL LIBERTIES UNION OF SOUTHERN CALIFORNIA and
AMERICAN CIVIL LIBERTIES UNION OF NEVADA

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

AMERICAN CIVIL LIBERTIES UNION)
OF SOUTHERN CALIFORNIA and
AMERICAN CIVIL LIBERTIES UNION)
OF NEVADA,

Plaintiffs,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY and U.S. CUSTOMS AND
BORDER PROTECTION,

Defendants.

DAVIS WRIGHT TREMAINE LLP
BRENDAN N. CHARNEY (CA State
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Email: dporter@aclusocal.org
Email: pbibring@aclusocal.org

Case No. 2:17-cv-02778

**NOTICE OF FILING PROOFS OF
SERVICE OF SUMMONS AND
COMPLAINT**

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO ALL PARTIES
2 AND THEIR ATTORNEYS OF RECORD:

3 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

4 **PLEASE TAKE NOTICE** that, as reflected on the Proof of Service attached
5 hereto as **Exhibit A**, Plaintiff served the following documents on the United States
6 (via certified mail to the Attorney General of the United States, and via Civil
7 Process Clerk of the U.S. Attorney's Office of the Central District of California); the
8 Department of Homeland Security (via certified mail of the office of the General
9 Counsel); and Customs and Border Protection (via Federal Express to the Office of
10 the Chief Counsel):

- 11 1. Summons in a Civil Action;
- 12 2. Complaint for Declaratory and Injunctive Relief for Violation of the
13 Freedom of Information Act, 5 U.S.C. § 552 et seq.;
- 14 3. Civil Case Cover Sheet;
- 15 4. Notice of Party with Pecuniary Interest and Corporate Disclosure
16 Statement;
- 17 5. Notice of Assignment to United States Judges;
- 18 6. Notice to Parties of Court-Directed ADR Program;
- 19 7. Standing Order Regarding Newly Assigned Cases; and
- 20 8. Order for Civil Court Trial.

21 DATED this 2nd day of May, 2017.

22 Respectfully submitted,

23 DAVIS WRIGHT TREMAINE LLP
24 THOMAS R. BURKE
BRENDAN N. CHARNEY

25 By: /s/ Thomas R. Burke
26 Thomas R. Burke

27 Attorneys for Plaintiffs
28 AMERICAN CIVIL LIBERTIES UNION OF
SOUTHERN CALIFORNIA and

AMERICAN CIVIL LIBERTIES UNION OF
NEVADA

DAVIS WRIGHT TREMAINE LLP

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EXHIBIT A

PROOF OF SERVICE BY CERTIFIED MAIL

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Davis Wright Tremaine LLP, Suite 2400, 865 South Figueroa Street, Los Angeles, California 90017-2566.

On **April 13, 2017**, I served the foregoing document(s) described as:

PLEASE SEE ATTACHED LIST OF DOCUMENTS SERVED

by placing a **true copy** of said document(s) enclosed in a sealed envelope(s) for each addressee named below, with the name and address of the person served shown on the envelope as follows:

Attorney General of the United States
U.S. Department of Justice
Service of Process
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Office of the General Counsel
U.S. Department of Homeland Security
245 Murray Lane, SW
Mail Stop 0485
Washington, DC 20528-0485

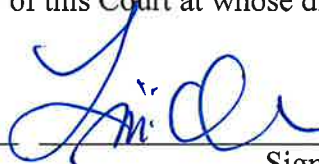
Civil Process Clerk
United States Attorney's Office
Central District of California
300 North Los Angeles Street
Suite 7516
Los Angeles, California 90012

I placed such envelope(s) with certified postage thereon fully prepaid for deposit in the United States Mail, return receipt requested, in accordance with the office practice of Davis Wright Tremaine LLP, for collecting and processing correspondence for mailing with the United States Postal Service. I am familiar with the office practice of Davis Wright Tremaine LLP, for collecting and processing correspondence for mailing with the United States Postal Service, which practice is that when correspondence is deposited with the Davis Wright Tremaine LLP, personnel responsible for delivering correspondence to the United States Postal Service, such correspondence is delivered to the United States Postal Service that same day in the ordinary course of business.

Executed on **April 13, 2017**, Los Angeles, California.

- ☐ State I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.
- ☒ Federal I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Lina Pearmain
Print Name



Signature

LIST OF DOCUMENTS SERVED

1. Summons in a Civil Action
2. Complaint for Declaratory and Injunctive Relief for Violation of the Freedom of
Information Act, 5 U.S.C. § 552 et seq.
3. Civil Case Cover Sheet
4. Notice of Part with Pecuniary Interest and Corporate Disclosure Statement
5. Notice of Assignment of United States Judges
6. Notice of Parties of Court-Directed ADR Program
7. Standing Order Regarding Newly Assigned Cases
8. Order for Civil Court Trial

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Updated Delivery Day: Tuesday, April 18, 2017 ⓘ

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Postal Product:

Features:
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DATE & TIME	STATUS OF ITEM	LOCATION
April 18, 2017, 5:20 am	Delivered	WASHINGTON, DC 20530
Your item was delivered at 5:20 am on April 18, 2017 in WASHINGTON, DC 20530.		
April 17, 2017, 11:57 am	Arrived at Unit	WASHINGTON, DC 20018
April 15, 2017, 7:37 am	In Transit to Destination	
April 14, 2017, 12:37 am	Departed USPS Facility	LOS ANGELES, CA 90052

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Available Actions

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FAQs (<http://faq.usps.com/?articleId=220900>)

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☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$

Postage
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 Total Postage and Fees
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Sent To: **Attorney General of the U.S.**
U.S. Dept. of Justice
Service of Process
950 Pennsylvania Ave., NW
Washington, DC 20530-0001

City, State, ZIP+4®
Washington, DC 20530-0001

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Postmark
APR 13 2017
SPS 90052

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to: Attorney General of the U.S. U.S. Dept. of Justice Service of Process 950 Pennsylvania Ave., NW Washington, DC 20530-0001</p> <p>2. Article Number (Transfer from service label) 7016 0910 0002 3630 5526</p>	<p>A. Signature <i>Emily Lane</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>APR 18 2017</i> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p> <p>3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>

PS Form 3811, April 2015 PSN 7530-02-000-9053 Domestic Return Receipt

UNITED STATES POSTAL SERVICE



First-Class Mail
 Postage & Fees Paid
 USPS
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4® in this box•

Brendan Charney
 Davis Wright Tremaine LLP
 865 S. Figueroa Street, Suite 2400
 Los Angeles, CA 90017

USPS TRACKING#



7590 9403 0360 5163 6859 54

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Tracking Number: 70160910000236305533



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Postal Product:

Features:

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DATE & TIME	STATUS OF ITEM	LOCATION
April 17, 2017, 1:12 pm	Delivered, To Mail Room	LOS ANGELES, CA 90012
<p>Your item has been delivered to the mail room at 1:12 pm on April 17, 2017 in LOS ANGELES, CA 90012.</p>		
April 15, 2017, 9:49 am	Business Closed	LOS ANGELES, CA 90012
April 14, 2017, 11:43 pm	Departed USPS Facility	LOS ANGELES, CA 90052
April 13, 2017, 10:20 pm	Arrived at USPS Facility	LOS ANGELES, CA 90052

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Brendan Charney
Davis Wright Tremaine LLP
865 S. Figueroa Street, Suite 2400
Los Angeles, CA 90017

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Updated Delivery Day: Tuesday, April 18, 2017 ⓘ

Product & Tracking Information

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Postal Product:

Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
April 18, 2017, 10:41 am	Delivered, To Mail Room	WASHINGTON, DC 20528
<p>Your item has been delivered to the mail room at 10:41 am on April 18, 2017 in WASHINGTON, DC 20528.</p>		
April 18, 2017, 6:35 am	Arrived at Unit	WASHINGTON, DC 20018
April 15, 2017, 7:47 am	In Transit to Destination	
April 14, 2017, 12:47 am	Departed USPS Facility	LOS ANGELES, CA 90052

DATE & TIME	STATUS OF ITEM	LOCATION
April 13, 2017, 10:20 pm	Arrived at USPS Facility	LOS ANGELES, CA 90052
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Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

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Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$
Sent To Office of the General Counsel U.S. Dept. of Homeland Security	
Street and Apt. No. or PO Box No. 245 Murray Lane, SW, Mail Stop 0485	
City, State, ZIP+4® Washington, DC 20528-0485	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 865 S. Figueroa Street, Suite 2400, Los Angeles, CA 90017.

On April 24, 2017, I served the document described as **PLEASE SEE ATTACHED SERVICE LIST** upon the interested parties in this action in a sealed envelope addressed as follows:

Office of the Chief Counsel
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, N.W.
Washington, DC 20229

— (By Mail) I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after day of deposit for mailing contained in affidavit.

X (By Overnight Delivery) I deposited this document in the box or other facility located at 865 S. Figueroa Street, Suite 2400, Los Angeles, CA 90017 regularly maintained by Federal Express, in an envelope designated by Federal Express with delivery fees paid or provided for, addressed to the persons on whom it is to be served, signature requested for guaranteed next day delivery.

— (By Personal Service) I caused the delivery of such envelope by hand to the offices of the addressee.

— (By E-Mail – PDF Format) I caused the foregoing document to be served by e-mail transmission, in PDF Format, to each of the interested parties at the e-mail address shown above.

Executed on April 24, 2017, Los Angeles, California.

☒ Federal I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.


Lina Pearmain

ATTACHED

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1. Summons
 2. Complaint
 3. Civil Case Cover Sheet
 4. Notice of Party with Pecuniary Interest and Corporate Disclosure Statement
 5. Notice of Assignment to United States Judges
 6. Notice to Parties of Court-Directed ADR Program
 7. Standing Order Regarding Newly Assigned Cases
 8. Order for Civil Court Trial

DAVIS WRIGHT TREMAINE LLP

Pearmain, Lina

From: TrackingUpdates@fedex.com
Sent: Tuesday, April 25, 2017 6:44 AM
To: Pearmain, Lina
Subject: FedEx Shipment 786342848223 Delivered

This tracking update has been requested by:

Company Name: Davis Wright Tremaine, LLP
Name: Brendan Charney
E-mail: BrendanCharney@dwt.com

Message: PSShip eMail Notification

Our records indicate that the following shipment has been delivered:

Reference: 0050033.000045-2312
Ship date: Apr 24, 2017
Delivery date: Apr 25, 2017 9:25 am
Signed for by: J.MCCRAY
Delivery location: WASHINGTON, DC
Delivered to: Shipping/Receiving
Delivery date: Tue, 4/25/2017 9:25 am
Service type: FedEx Priority Overnight
Packaging type: FedEx Envelope
Number of pieces: 1
Weight: 1.00 lb.
Special handling/Services Direct Signature Required
Deliver Weekday
Standard transit: 4/25/2017 by 10:30 am

Tracking number: 786342848223

Shipper Information Recipient Information
Brendan Charney Office of the Chief Counsel
Davis Wright Tremaine, LLP U.S. Customs and Border Protection
865 South Figueroa Street 1300 PENNSYLVANIA AVE NW
Suite 2400 WASHINGTON
Los Angeles DC
CA US
US 20229
90017

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May 2, 2017

Dear Customer:

The following is the proof-of-delivery for tracking number **786342848223**.

Delivery Information:

Status:	Delivered	Delivered to:	Shipping/Receiving
Signed for by:	J.MCCRAY	Delivery location:	1100 HAMPTON BLVD WASHINGTON, DC 20229
Service type:	FedEx Priority Overnight	Delivery date:	Apr 25, 2017 09:25
Special Handling:	Deliver Weekday		
	Direct Signature Required		



Shipping Information:

Tracking number:	786342848223	Ship date:	Apr 24, 2017
		Weight:	1.0 lbs/0.5 kg

Recipient:

Office of the Chief Counsel
U.S. Customs and Border Protection
1300 PENNSYLVANIA AVE NW
WASHINGTON, DC 20229 US

Reference**Shipper:**

Brendan Charney
Davis Wright Tremaine, LLP
Suite 2400
865 South Figueroa Street
Los Angeles, CA 90017 US
0050033.000045-2312

Thank you for choosing FedEx.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 865 S. Figueroa Street, Suite 2400, Los Angeles, CA 90017.

On May 3, 2017, I served the document described as **NOTICE OF FILING PROOFS OF SERVICE OF SUMMONS AND COMPLAINT** upon the interested parties in this action in a sealed envelope addressed as follows:

PLEASE SEE ATTACHED PROOF OF SERVICE

X (By Mail) I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after day of deposit for mailing contained in affidavit.

— (By Overnight Delivery) I deposited this document in the box or other facility located at 865 S. Figueroa Street, Suite 2400, Los Angeles, CA 90017 regularly maintained by Federal Express, in an envelope designated by Federal Express with delivery fees paid or provided for, addressed to the persons on whom it is to be served, for guaranteed next day delivery.

— (By Personal Service) I caused the delivery of such envelope by hand to the offices of the addressee.

— (By E-Mail – PDF Format) I caused the foregoing document to be served by e-mail transmission, in PDF Format, to each of the interested parties at the e-mail address shown above.

Executed on May 3, 2017, Los Angeles, California.

☒ Federal I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

/s/ Lina Pearmain
Lina Pearmain

ATTACHED PROOF OF SERVICE

U. S. Attorney's Office for the
Central District of California
312 N. Spring Street, Suite 1200
Los Angeles, CA 90012

Office of the General Counsel
U.S. Department of Homeland Security
245 Murray Lane, SW
Mail Stop 0485
Washington, DC 20528-0485

Office of the Chief Counsel
U.S. Customs and Border Protection
1300 Pennsylvania Avenue, N.W.
Washington, DC 20229

Attorney General of the United States
U.S. Department of Justice
Service of Process
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Civil Process Clerk
United States Attorney's Office
Central District of California
300 North Los Angeles Street
Suite 7516
Los Angeles, California 90012

DAVIS WRIGHT TREMAINE LLP